

well. Succinctly, the Office has failed to take into consideration that water erosion prevention may be provided without creating a hydrophobic soil. Hirsbrunner is concerned with providing a soil treatment that prevents such water erosion as well as wind erosion. Importantly, however, patentee notes that such a treatment is applied in order to create a film that provides such beneficial properties within soil in which crops have been planted and are actually growing (see col. 3, lines 24-32, for instance). It goes without saying that plants and crops cannot grow if the soil itself is hydrophobic in nature; sufficient moisture is required for foliage to actually take form. Thus, it is evident that Hirsbrunner does not provide or teach a hydrophobic soil treatment. To the contrary, patentee indicates that his soil treatment provides a thickening effect within the target soil, as well as a film-forming effect on the surface, to hold soil particles in place under windy conditions as well as when exposed to water run-off. Thus, the Office's position in this instance is clearly counterintuitive to the actual purpose and function of Hirsbrunner's soil treatment invention. Crops and plants cannot grow in soil that does not permit water penetration. Hirsbrunner is merely providing a thickening effect to prevent wind and/or water erosion of treated soil in which crops and/or plants are intended to grow. Thus, Hirsbrunner fails to teach, either explicitly or impliedly, an hydrophobic soil as now claimed. Furthermore, there is no motivation for the ordinarily skilled artisan to modify Hirsbrunner's teachings to create such an hydrophobic sand as now claimed since patentee's treatments are, again, directed to providing proper soil for crop and/or plant growth; hydrophobicity would prevent such desired results. Reconsideration and withdrawal of such an improper rejection are therefore earnestly solicited.

CONCLUSION

In view of all of the previous remarks, it is respectfully requested that the pending claim is in condition for allowance and thus that this application be passed on to issue.

Respectfully requested,

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CERTIFICATE OF MAILING

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